

REMARKS

The amendments to Claims 10 and 13 are to correct errors noted by the Examiner in earlier filed amendments. Claims 21, 22, 24 and 25 have been amended to the form previously presented in the Preliminary Amendment filed with the Reissue application on October 17, 2001. Specifically, Claims 21, 22, 24 and 25 have been rewritten as independent claims.

As of the date of the Amendment being filed concurrently herewith, originally issued Claims 1-19, 21, 22 and 24-27 are pending. Claims 20 and 23 have been cancelled. Claims 2, 3, 5, 7-9, 11 and 16-19 are the originally issued claims of United States Patent No. 6,083,966. Claims 4, 6, 12, 14 and 15 remain as amended in the Preliminary Amendment submitted to the Office upon filing of the Reissue Application (October 17, 2001). Claim 1 remains as amended in the Amendment filed June 19, 2002. Claims 10, 13, 21, 22, 24 and 25 are being amended to correct (Claims 10 and 13) and re-present (Claims 21, 22, 24 and 25) the amendments in the Preliminary Amendment filed with the Reissue application. All amendments are made relative to the claims of the issued patent.

Support for the amendments set forth herein can be found in the accompanying paper entitled, "Statement of Status and Support for All Claims."

Rejection of Claims 21, 22, 24 and 25 Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected Claims 21, 22, 24 and 25 under 35 U.S.C. § 112, First Paragraph. As discussed in the telephonic interview, the amendment of Claims 21, 22, 24 and 25 into independent form, as presented herein, overcomes this rejection.

Rejection of Claims 10 and 13 Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claim 10 under 35 U.S.C. § 112, Second Paragraph due to the presence of a closed bracket with no corresponding open bracket. Claim 10 has been amended to recite both an open and closed bracket. In view of this amendment, the subject matter to be deleted is clearly indicated and the claim is definite. Specifically, the claim now recites that R₄ is methyl.

The Examiner has rejected Claim 13 under 35 U.S.C. § 112, Second Paragraph due to lack of antecedent basis in the definition for the term "Z". Applicant notes the Preliminary

Amendment filed on Oct. 17, 2001, incorrectly indicated "Z=H" and rather than "Z=CH" as in the originally issued patent. In response, Claim 13 has been amended to include CH in the definition of Z. The definition of Z in Claim 13, now finds proper antecedent basis in Claim 1.

In view of the above, reconsideration and withdrawal of the rejection are requested.

Rejection of Claims 10, 13, 21, 22, 24 and 25 Under 35 U.S.C. § 251

The Examiner has rejected Claims 10, 13, 21, 22, 24, and 25 under 35 U.S.C. § 251, as being based upon a defective Reissue Declaration. As agreed in the telephonic interview, the claim amendments being presented herein, overcome this rejection. Withdrawal and reconsideration of the rejection is respectfully requested.

Supplemental Declaration Under 37 C.F.R. § 1.175

In accordance with 37 C.F.R. § 1.175, submitted herewith is a Supplemental Declaration. In the Supplemental Declaration, Applicant states that every error in the patent which was corrected in the present Reissue application, and which is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

Surrender of Patent Under 37 C.F.R. § 1.178

The original patent for which this Reissue is being sought (U.S. Patent No. 6,083,966) is submitted herewith. As such, the requirement under 37 C.F.R. § 1.178 is met and allowance of the application is respectfully requested.

Information Disclosure Statement

A Supplemental Information Disclosure Statement (IDS) was filed on January 9, 2002. Acknowledgment of consideration of the references cited therein is respectfully requested in the next Communication from the Office. It is noted that acknowledgments of consideration of the references cited in the Information Disclosure Statement filed with the application and the Second Supplemental IDS filed on June 5, 2003 have been received by the Applicant.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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